

**From:** Harka Steinhart  
**To:** Microsoft ATR  
**Date:** 12/27/01 11:45am  
**Subject:** Comment on MS case

Dear Ladies and Gentlemen,

I thank you for the opportunity to comment on the recently proposed remedies in the case against Microsoft.

It is with great regret, that I have found those remedies to be not of such nature at all. They, in their current form, will not in any way change the sad state of affairs in the computer software industry and by extension not enhance and empower the end users of software products.

The proposed settlement in the case will, however, be of great damage to the Government of the United States and the Department of Justice in particular. Essentially people see this case and it's recent development as a sign, that Microsoft's devious "business" practices will again go unpunished and nothing will change whatsoever. In fact, now it seems even more legitimized because everything is "settled" and "remedied". This dramatically undermines peoples faith in the Justice system. I cannot stress enough the importance of this! I work in the IT profession and come in contact with many different people. Even those, who are generally big proponents of Microsoft (products), see this case as "MS having bought out the DoJ" and in return having gotten the most benevolent treatment that could possibly have been hoped for in Redmond.

Having mentioned this, I would like to take the opportunity to suggest a couple possibilities, that would really make a difference to the industry and consumers alike. Let me also preface this with the fact, that these following options do not in any way intend to "damage Microsoft as much as possible" out of spiteful reasons, but are a real attempt at restoring a healthy and beneficial market atmosphere of competition, where the best product advances on it's own merit, as opposed to a product that is quite literally forced upon users against their will.

1. Decouple hardware from software. The proposed "non-exclusive contracts" between hardware vendors and Microsoft do not accomplish this.

Hardware needs to be sold as that...hardware. The Operating System and any applications must be an additional option (if desired at all) based on the buyer's/user's true choice.

Currently it is just about impossible without extensive research to find vendors where one's hard-earned money does not go by default to a significant extent to Microsoft. Even people, who later on exercise their choice in software, tend to have to buy a computer with a Microsoft OS and applications preinstalled, thereby rendering their later choice impactless in the market because Microsoft has already gotten paid, even though their products, including the MS-Windows OS itself, weren't used (which is also why the proposed changes in regards to "middleware" are not enough, because they assume the MS-Windows Operating System as being the one used, thus yet again cementing the monopoly of Microsoft!)

This situation is contrary to the \*foundation of this country\*, which is a free and competitive market, where money votes for which product will survive. The freedom of choice is currently quasi non-existent.

An even more unfortunate extension of this problem of hardware being tied to a particular Operating System and/or applications from a specific company is, that in recent years even the usually generic hardware has become OS specific. An example of that are the infamous "WinModems"...modem's, which will only work with a Windows-driver and thus precluding any other OS. So yes, theoretically the user could install another OS but won't be able to go online, effectively preventing even the possibility of such a choice of OS. I have seen similar examples with graphics cards and other components.

The only true remedy for this is to make the Operating System and applications an \*option\* upon buying! Further, Microsoft needs to be prevented from leveraging their financial standing by offering substantial and competitor-hostile discounts on their software, even if it is preinstalled with the users approval. I.e. a copy of the MS-Windows OS should be the same price whether it is purchased seperatly or preinstalled. This also means, that if no Microsoft OS and/or applications were desired by the user, Microsoft should not get a single penny (as opposed to "per-processor" contracts, where MS got paid regardless, even if nothing at all was installed). This not only would restore a market balance and give users an extremely important choice over their computing environment, but also lower costs by not having to pay for undesired products.

2. Force Microsoft to open their formats. The proposed opening of the Windows API to "commercial" ventures is not only to restrictive in it's scope since it excludes not-for-profit development efforts, but also not effective in eliminating the illegal monopoly Microsoft is holding over the market place.

Far more important than the API are the formats used for wordprocessed files (\*.doc), spreadsheets (\*.xls), networking protocols and the handling of formats such as XML. Microsoft keeps these formats not only a secret, but tends to deliberately change them every so often, not only making it almost impossible for competitors to, well, compete but also forcing even users of it's own products into a viscious and expensive "upgrade" cycle if they want to be able to read documents being sent to them by someone with a newer version of the program.

The development of alternatives in the Office-Suite area, for example, are dramatically hindered by the obscurity of the formats used by Microsoft. The situation is so dire, that people don't ask how well an alternative might work as a word processor in itself, for example, but "how well does it handle Microsoft Word(TM) documents". Generally it can't possibly handle it well because the developers do not have access to the \*.doc format, thus forcing users to use Microsoft's own Word-processor as opposed to a perhaps technically superior alternative just because they have to remain "compatible" in the document format.

This is so important an issue, that not only the choice of Office-Suite is currently inhibited, but users are not able to adopt an alternative Operating System such as Linux, simply because it doesn't have Microsoft Office ported to it (although there are several very good Office-Suites available for Linux). The opening of the various formats and protocols, however, would among other things allow the developer's of alternatives to correctly import and handle MS-Word \*.doc-uments and thus give the users the tools they want and can most effectively use. A word processor would be a word processor again and not a "Microsoft Word(TM) Document Processor". This step in itself would dramatically alter the unhealthy landscape currently present to a more productive and balanced (not monopolized) market place.

Ladies and Gentlemen, these two points outlined above would be far more reaching towards the underlying goal to "unfetter [the] market from anticompetitive conduct," to "terminate the illegal

monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future", than the current proposals. The current terms of the proposed settlement do not accomplish that and are therefore UNACCEPTABLE! It is therefore my hope and wish to see revised terms including the points made above, that would indeed unburden the market and users from the heavy weight of a monopolist such as Microsoft Corporation.

Thank you for your consideration.

Sincerely,

Harka Steinhart

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